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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,480	09/09/2003	Motoki Kato	450100-4089.2	2047

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,480	Applicant(s) KATO ET AL.	
	Examiner Dave Czekaj	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

1. Claims 7-11 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-5 of prior U.S. Patent No. 6,418,167. This is a double patenting rejection.
2. Claims 12-15 rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 of prior U.S. Patent No. 6,661,843. This is a double patenting rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 7 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Keesman et al. (5805224), (hereinafter referred to as "Keesman").

Regarding claim 7, Keesman discloses an apparatus that relates to transcoding video signals (Keesman: column 1, lines 4-5). This apparatus comprises "separating the motion vector of a moving picture signal" (Keesman: figure 2; column 6, lines 60-63, wherein the motion compensation stage in the decoder separates the motion vector), "compressing the moving picture signal using the vector" (Keesman: figure 2, wherein the encoder performs the compressing), and "dequantizing a quantized motion vector in the separating step" (Keesman: figure 2, wherein the Q^{-1} performs the dequantizing).

Regarding claim 12, Keesman discloses "receiving an expanded signal that had been produced by multiplexing an expanded moving picture signal with a motion vector that was used for the expansion of the signal" (Keesman: figure 2, wherein the decoder outputs the expanded picture signal), "separating the motion vector from the expanded signal" (Keesman: figure 2; column 6, lines 60-63, wherein the motion compensation stage in the decoder separates the motion vector), and "compressing the expanded signal using the motion vector" (Keesman: figure 2, wherein the encoder performs the compressing).

Regarding claim 13, note the examiners rejection for claim 12, and in addition Keesman discloses "detecting, from the expanded signal, a new motion vector in the neighborhood of the separated motion vector" (Keesman: figure 2; column 1, lines 27-50, wherein the motion compensator and motion estimator

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determine the new vector) and "compressing the signal using the new vector"

(Keesman: figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keesman et al. (5805224), (hereinafter referred to as "Keesman") in view of Mizutani et al. (4979037), (hereinafter referred to as "Mizutani").

Regarding claim 8, note the examiners rejection for claim 7, and in addition, claim 8 differs from claim 7 in that claim 8 further comprises multiplexing the motion vector in a blanking portion of the signal. Mizutani teaches that determining a motion vector and multiplexing the vector in a blanking portion of a signal helps reduce multi-line blur (Mizutani: column 1, line 56 – column 2, line 5, wherein the blanking portion is the blanking period). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the motion vector multiplexed in the blanking portion in order to help reduce the blur of a video signal.

Regarding claim 9, note the examiners rejection for claims 7, 8, and 12.

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Regarding claim 10, note the examiners rejection for claim 9, and in addition Keesman discloses "quantizing the separated motion vector and multiplexing the vector of the expanded signal" (Keesman: figure 2).

Regarding claim 11, note the examiners rejection for claim 8.

Regarding claims 14-15, note the examiners rejection for claims 8 and 13.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-5305113 04-1994 Iwamura et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJC

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TC 2600